

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

JAROD MONTRELL ALONSO,

Petitioner,

v.

Case No: 5:21-cv-45-Oc-60PRL

WARDEN, FCC COLEMAN – LOW,

Respondent.

---

**ORDER OF DISMISSAL**

Petitioner initiated this civil action by filing a Petition for Writ of Habeas Corpus Under 28 U.S.C. § 2241 (Doc. 1). In the Petition, Petitioner alleges he is in receipt of “newly discovered evidence” of prosecutorial misconduct; his trial attorney was ineffective for allowing Petitioner to proceed to trial; and his sentence amounts to a “manifest injustice” (*id.* at 6).

*a. Background*

Petitioner is a federal inmate incarcerated at the Coleman Federal Correctional Complex. In 2015, a jury in the Southern District of Florida found Petitioner guilty of being a felon in knowing possession of a firearm. *See United States v. Alonso*, 654 F. App’x 995 (11th Cir. 2016). Petitioner sought a direct appeal and the Eleventh Circuit Court of Appeals issued an opinion affirming his conviction and sentence. *Id.* Thereafter, Petitioner filed with the sentencing court a motion under 28 U.S.C. § 2255, and the district court denied Petitioner’s § 2255 motion on June 11, 2018. *Alonso v. United States*, No. 1:17-cv-20477-BLOOM/White

(S.D. Fla. June 11, 2018). Petitioner sought an appeal of the district court’s denial, but the Eleventh Circuit dismissed the appeal for want of prosecution on September 27, 2018. *Alonso v. United States*, No. 18-13240 (11th Cir. Sept. 27, 2018). On or about January 15, 2021, Petitioner filed with the Eleventh Circuit an application for leave to file a successive § 2255 petition. *In re: Alonso*, No. 21-10172 (11th Cir.). As of the date of this Order, the application is still pending before the Eleventh Circuit.

*b. Analysis*


Rule 12(h)(3) of the Federal Rules of Civil Procedure provides that “[i]f the court determines at any time that it lacks subject matter jurisdiction, the court must dismiss the action.” *See also* Rule 12, Rules Governing Section 2255 proceedings. The Eleventh Circuit has held that 28 U.S.C. § 2241 is not available to challenge the validity of a sentence except on very narrow grounds. *McCarthan v. Director of Goodwill Industries-Suncoast, Inc.*, 851 F.3d 1076, 1079 (11th Cir. 2017); *Bernard v. FCC Coleman Warden*, 686 F. App’x 730 (11th Cir. 2017) (citing *McCarthan*, 851 F.3d at 1092-93). None of those grounds are present in this case. Further, Petitioner’s application to file a second or successive § 2255 pending before the Eleventh Circuit is identical to the Petition. *See In re: Alonso*, No. 21-10172. Thus, this case is due to be dismissed.

Accordingly, it is

**ORDERED and ADJUDGED:**

The Petition for Writ of Habeas Corpus (Doc. 1) and this case are  
**DISMISSED**. The Clerk is directed to enter judgment accordingly and close this  
case.

**DONE AND ORDERED** at Tampa, Florida, this 26th day of January, 2021.



---

**TOM BARBER**  
**UNITED STATES DISTRICT JUDGE**

Jax-7

C: Jarod Montrell Alonso, #02445-104